

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. \_\_\_\_\_

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	CERTIFICATION OF A
	)	SEXUALLY DANGEROUS PERSON
JOSEPH FRANK,	)	
Register Number 10314-085,	)	
	)	
Respondent.	)	

The United States of America, by and through the United States Attorney for the Eastern District of North Carolina, hereby submits the attached Certification of a Sexually Dangerous Person pursuant to Title 18 U.S.C. § 4248(a).

Respectfully submitted, this 13th day of April, 2007.

George E. B. Holding  
United States Attorney

BY: /s/ Michael Bredenberg  
Michael Bredenberg  
Special Assistant U.S. Attorney  
Civil Division  
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N.C. Bar # 26068

CERTIFICATE OF SERVICE

This is to certify that I have this 13th day of April, 2007, served a copy of the foregoing upon the Respondent in this action by placing the documents in an envelope marked as stated below, and providing it to FCC Butner staff to deliver the envelope in hand to:

Joseph Frank  
Reg. No.: 10314-085  
FCI Butner

and on the same day served a copy of the foregoing by placing a copy in the U.S. Mail, addressed as follows:

Federal Public Defender's Office  
150 Fayetteville Street Mall  
Suite 450  
Raleigh, North Carolina 27611

/s/ Michael Bredenberg  
Michael Bredenberg  
Special Assistant U.S. Attorney  
Civil Division

# **CERTIFICATION OF A SEXUALLY DANGEROUS PERSON**

(1) I, William T. Bickart, am Interim Chairperson of the Federal Bureau of Prisons (Bureau) Certification Review Panel, Washington, D.C. Pursuant to 28 C.F.R. § 0.97, the Director of the Bureau has delegated to me the authority to certify persons in Bureau custody as sexually dangerous, as authorized by 18 U.S.C. § 4248(a).

(2) Bureau records reflect the following. Inmate Joseph I. Frank, Register Number 10314-085, is in Bureau custody at the Federal Correctional Institution, Butner, North Carolina, in service of a 78-month federal term of imprisonment following his conviction for aggravated sexual abuse, Criminal Case No. 2:01CR00090-001, E.D.Wash. Inmate Frank's offense involved conduct of a sexual nature with two girls under the age of 12. Inmate Frank's projected release date is April 17, 2007, via Good Conduct Time release.

(3) Based on a review of inmate Frank's Bureau records, I certify he is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5), and sexually dangerous to others as defined by 18 U.S.C. § 4247(a)(6). My certification is based on information found in Bureau records which includes, but is not limited to, the following:

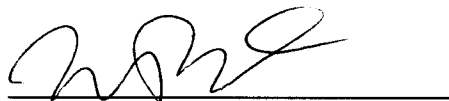
(a) Inmate Frank previously engaged or attempted to engage in sexually violent conduct or child molestation as

evidenced by his current federal offense conviction and related conduct;

(b) A limited psychological review of inmate Frank indicated an Axis I diagnosis of Pedophilia; and

(c) An initial assessment of inmate Frank using two actuarial risk assessment instruments (Static-99 and Rapid Risk Assessment for Sexual Offense Recidivism (RRASOR)) was conducted. These results, in addition to inmate Frank's current offense conduct, prior criminal convictions involving unlawful conduct of a sexual nature involving children under 12 years old, psychological diagnosis, and history of substance dependence, indicate he will have serious difficulty refraining from sexually violent conduct or child molestation if released.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge, information, and belief.



William T. Bickart  
Interim Chairperson  
Certification Review Panel  
Federal Bureau of Prisons

4/6/07  
Date

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FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION

No. \_\_\_\_\_

UNITED STATES OF AMERICA,	)	
	)	
Petitioner,	)	
	)	
v.	)	ORDER
	)	
JOSEPH FRANK,	)	
Register Number 10314-085,	)	
	)	
Respondent.	)	

At the request of the Director of the Bureau of Prisons, the government has filed a Certification of a Sexually Dangerous Person pursuant to 18 U.S.C. § 4248, in order for this court to hold a hearing to determine whether the Respondent is a sexually dangerous person as defined by 18 U.S.C. § 4247(a)(5). Respondent, having demonstrated eligibility for appointment of counsel at government expense, the Federal Public Defender IS DIRECTED to provide representation in this action.

The Court further determines that the respondent is unable to pay the fees of any witness, and pursuant to Federal Rule of Criminal Procedure 17(b) the Clerk shall issue a subpoena for any witness necessary to present an adequate defense to the pending charge or charges.

The Court further ORDERS that the United States Marshal shall serve any subpoenas presented to him in this case by the office of the Federal Public Defender, and shall pay the

appropriate fees and expenses to witnesses so subpoenaed.

The Court further ORDERS the appointment of an additional mental health examiner to be selected by the Respondent. Respondent is DIRECTED to file notice with the Court of the name of the additional mental health examiner within five days of the filing of this order.

The Court hereby notifies the parties that this case has been set for Hearing by videoconference at \_\_\_\_\_ AM/PM on \_\_\_\_\_ 2007. The hearing shall be held in Courtroom #2, Seventh Floor, of the Terry Sanford Federal Building, 310 New Bern Avenue, Raleigh, North Carolina.

This \_\_\_\_ day of \_\_\_\_\_, 2007.

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W. EARL BRITT  
Senior U.S. District Judge